

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2024-0007**

**ADOPTING THE CLEAN WATER ACT SECTION 303(d) LIST OF IMPAIRED  
WATERS PORTION OF THE 2024 CALIFORNIA INTEGRATED REPORT**

**WHEREAS:**

1. Section 303(d)(1) of the Clean Water Act (33 U.S.C. § 1313(d)) requires states to regularly identify surface waters that do not meet applicable water quality standards after technology-based controls have been implemented (commonly referred to as the “303(d) list” or “303(d) list of impaired waters”) and prioritize such surface waters for the purposes of developing a total maximum daily load (“TMDL”), unless other corrective action is appropriate (40 C.F.R. § 130.7(b)). The states and authorized tribes are required to submit their 303(d) lists by April 1 of every even-numbered year to the United States Environmental Protection Agency (“U.S. EPA”) (40 C.F.R. § 130.7(d)). In addition to the 303(d) list, the Clean Water Act requires states to report on the health of all their surface waters (referred to as the “305(b) report”).
2. The State Water Resources Control Board (“State Water Board”) combines its Clean Water Act sections 303(d) and 305(b) reporting requirements into a “California Integrated Report.”
3. Only the 303(d) list requires approval by the State Water Board and U.S. EPA. Neither agency takes formal approval action on the 305(b) report, which is an informational document that characterizes the state’s general water quality conditions. Because U.S. EPA may change the State Water Board’s recommended 303(d) list, the 303(d) list is only effective upon U.S. EPA’s approval.
4. The California Integrated Report is developed in cycles. Each cycle consists of assessments for waters within the regions of three Regional Water Quality Control Boards (“Regional Water Boards”) that are “on cycle.” The other six Regional Water Boards that are “off cycle” may also consider assessments for waters in their region. All readily available data that were submitted during the public data solicitation period and in accordance with the applicable notice of public solicitation were evaluated.
5. For the 2024 listing cycle, the State Water Board is administering the listing process for all waters assessed for the California Clean Water Act Section 303(d) list (“2024 303(d) List”), in accordance with Section 6.2 of the Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List (“Listing Policy”).

6. For the 2024 California Integrated Report, the Regional Water Boards for the San Francisco Bay, Los Angeles, and Santa Ana regions, are “on-cycle.” “Off-cycle” assessments are also being evaluated for the Sacramento River sub-area of the Central Valley Regional Water Board. The Sacramento River sub-area is defined as the Sacramento River watershed and includes the mainstem of the Sacramento River above the legal boundary of the Sacramento-San Joaquin Delta and all surface waters tributary to the mainstem. Finally, off-cycle assessments are also being considered for waterbodies in the regions of the Central Coast and San Diego Regional Water Boards. The 2024 California Integrated Report revises the 2020-2022 California Integrated Report.
7. On June 29, 2020, the State Water Board distributed the notice of public solicitation for the 2024 California Integrated Report to interested parties to solicit data and information regarding water quality conditions in surface waters of California, pursuant to section 6.1.2.1 of the Listing Policy.
8. In developing the 2024 303(d) List, the staff of State and Regional Water Boards reviewed and considered over 5.3 million rows of data and developed approximately 72,773 lines of evidence to support approximately 20,303 waterbody-pollutant decisions.
9. The public comment period for the 2024 303(d) List and draft staff report began on February 16, 2023, and closed on April 3, 2023. On March 21, 2023, prior to the close of the public comment period, the State Water Board held a hearing to receive oral comments on the 2024 303(d) List. In response to the written and oral comments received, the State Water Board distributed a Summary of Comments and Responses along with the Proposed Final 2024 California Integrated Report and Proposed Final Staff Report on January 4, 2024. The First Revised Proposed Final Staff Report (“Staff Report”) was released on January 26, 2024.
10. In response to direction included in State Water Board [Resolution No. 2022-0006](#), which adopted the 2020-2022 303(d) list, aluminum data from freshwater waterbodies in regions for which the Regional Water Boards were on-cycle for the 2020-2022 California Integrated Report (i.e., the Central Coast, Central Valley, and San Diego Regions) were assessed for the 2024 California Integrated Report using the 2018 U.S. EPA Final Aquatic Life Criteria for Aluminum in Freshwater (“2018 U.S. EPA Criteria”). Additionally, aluminum data from waterbodies in Regional Water Boards that are on-cycle for the 2024 California Integrated Report (San Francisco Bay, Los Angeles, and Santa Ana) were assessed using the 2018 Criteria.
11. Also in response to direction in Resolution No. 2022-0006, errors in the 2020-2022 California Integrated Report were corrected in the 2024 California Integrated Report. The errors relate to 1) monitoring station mapping errors in

the Central Valley Region; 2) assessments for pyrethroids in sediment; and 3) application of chloride objectives in Delta waterbodies. The assessments for Westside San Joaquin Coalition's pesticide data were not completed and will be corrected during the 2026 California Integrated Report concurrent with the assessment of other data from the San Joaquin River. The State Water Board expects that any waterbody listed as impaired that is associated with the Westside San Joaquin Coalition's pesticide data will not be scheduled for TMDL development until after the errors are corrected. In addition, the State Water Board encourages the Regional Water Boards to use their discretion where appropriate in establishing permitting, monitoring, and other data collection requirements.

12. In accordance with section 6.1.4 of the Listing Policy, data supported by a Quality Assurance Project Plan ("QAPP," which as used in this resolution also includes QAPP-equivalent documentation) or from major monitoring programs in California are considered of adequate quality and acceptable for use in developing the 303(d) list. Regarding data from major monitoring programs, section 6.1.4 states:

The data from major monitoring programs in California and published U.S. Geological Survey (USGS) reports are considered of adequate quality. The major programs include [Surface Water Ambient Monitoring Program], the Southern California Bight Projects of the Southern California Coastal Water Research Project, U.S. EPA's Environmental Monitoring and Assessment Program, the Regional Monitoring Program of the San Francisco Estuary Institute, and the [Bay Protection and Toxic Cleanup Program].

This text has historically been construed as not setting forth an exclusive list of the major monitoring programs from which data would be considered of adequate quality. Therefore, data from any major monitoring program, in addition to those identified under section 6.1.4, have been considered of adequate quality.

The Staff Report and responses to comments contain some statements that are inconsistent with the way in which section 6.1.4 has been interpreted and implemented in this 2024 listing cycle. Statements in the Staff Report or responses to comments that state or imply that all data used in primary lines of evidence for water quality standards attainment decisions for the 2024 listing cycle are supported by a QAPP are not accurate. In fact, the 2024 303(d) List contains attainment decisions that rely on data submitted by approximately seven data providers for which staff has been unable to verify whether the data is supported by a QAPP.

Staff is committed to verifying the existence of QAPPs acceptable for use (i.e., satisfy the minimum elements set forth in section 6.1.4) to support new

2024 303(d) List attainment decisions for data submitted by monitoring programs not explicitly identified in section 6.1.4 by September 2024, and update waterbody fact sheets with the documentation during the 2026 or 2028 listing cycle. If such data is not verified as being supported by a QAPP, the attainment decision will be revised as needed no later than the 2028 listing cycle to ensure that such data is not used by itself to support an attainment decision for water segment.

Staff intends to post the results of its verification on the [Integrated Report website](#), and inform the applicable regional water boards of its findings. The State Water Board expects that any waterbody-pollutant combinations included on the 2024 303(d) List that are based on attainment decisions not supported by a QAPP would not be scheduled for TMDL development until after fact sheets have been updated to verify the existence of an acceptable QAPP. In addition, the State Water Board encourages the Regional Water Boards to use their discretion where appropriate in establishing permitting, monitoring, and other data collection requirements.

Staff intends to interpret section 6.1.4's list of major monitoring programs to be an exclusive list. Commencing with the 2026 list, all data submitted by a monitoring program that is not explicitly listed in Listing Policy section 6.1.4 must be supported by a QAPP for that data by itself to support an attainment decision for a water segment. Moreover, beginning with the 2026 303(d) List, even though data used from the listed major monitoring programs are considered adequate, staff's goal is to obtain QAPPs for such data. This shift in interpretation and implementation furthers ongoing efforts to continuously improve the data quality of the Integrated Report program.

13. In some instances, data were assessed for waterbody-pollutant combinations where the waterbody is not designated with the Commercial and Sport Fishing ("COMM") beneficial use in the applicable water quality control plan. The COMM beneficial use is defined as "the commercial or recreational collection of fish, shellfish, or other organisms including, but not limited to, uses involving organisms intended for human consumption or bait purposes." Data were assessed because evidence indicates that this beneficial use is occurring and appears to be an existing beneficial use. The Water Boards have discretion under section 303(d) and the Listing Policy to evaluate data and information for *all* waterbody uses. (40 C.F.R. § 130.7(b)(3).) Additionally, developing the list shall include antidegradation considerations, including the protection of existing beneficial uses that are not designated. (*Ibid.*; Listing Policy, p. 1.) Fish tissue pollutant data and information for 32 waterbody-pollutant combinations for which comments were submitted pertaining to waterbodies that are not designated in the applicable water quality control plan with the COMM beneficial use were evaluated to determine if the information indicates the COMM beneficial use is occurring or likely occurring. The evaluation concluded that the COMM beneficial use is occurring or likely occurring for 18 waterbody-pollutant combinations and is deemed to be an

existing use for listing purposes. Fourteen waterbody-pollutant combinations had evidence that the COMM beneficial use is not occurring and not an existing use. Waterbody-pollutant combinations not associated with the comments received and waterbody-pollutant combinations from previous integrated reports will be re-evaluated in future integrated report cycles. The State Water Board expects that TMDLs or other future actions to address waters on the 303(d) list where the COMM beneficial use is existing, but not designated, will be undertaken concurrent with or following the designation of the beneficial use in the water quality control plan. In addition, the State Water Board encourages the Regional Water Boards to use their discretion where appropriate in establishing permitting, monitoring, and other data collection requirements for the protection of an existing COMM use.

14. The Proposed Final 2024 California Integrated Report (accompanying the Proposed Final Staff Report, dated January 4, 2024) assessed composite fish data for the Santa Ana Delhi Channel because the COMM beneficial use was construed as actually occurring (i.e., an existing beneficial use) even though it is not designated for COMM in the Santa Ana Regional Water Board Basin Plan, as described above. After further consideration, sufficient information supports the conclusion that the COMM beneficial use is likely not an existing use due to the net-fishing method by which fish were caught to conduct the composite sampling. Specifically, the Santa Ana Regional Water Board de-designated the Water Contact Recreation (“REC-1”) beneficial use for Santa Ana Delhi Channel. REC-1 includes fishing where incidental ingestion of water is reasonably possible. The method by which the fish were caught is consistent with the REC-1 beneficial use. The removal of the REC-1 beneficial use indicates that activities such as net fishing are not prevalent or feasible in the waterbody. There is no other readily available information to suggest the waterbody is or has been used for commercial or recreational collection of fish, shellfish, or other organisms including, but not limited to, uses involving organisms intended for human consumption or bait purposes. As a result, there is insufficient information to conclude the COMM beneficial use is existing at the Santa Ana Delhi Channel, and the composite fish samples should not be evaluated for the COMM beneficial use. Therefore, the following 11 lines of evidence (LOE), which include data assessed for the COMM beneficial use in the Santa Ana Delhi Channel, should be removed.
  - a. Remove LOE 238277 for heptachlor epoxide. The listing decision remains “Do Not List.”
  - b. Remove LOE 238283 for dieldrin. The listing decision remains “Do Not List.”
  - c. Remove LOE 238274 for endrin. The listing decision remains “Do Not List.”
  - d. Remove LOE 238402 for endosulfan. The listing decision remains “Do Not List.”

- e. Remove LOE 238378 for lindane/gamma hexachlorocyclohexane (gamma-HCH). The listing decision remains “Do Not List.”
  - f. Remove LOE 238531 for dichlorodiphenyltrichloroethane (DDT). The listing decision should change from “List on 303(d) List” to “Do not List on 303(d) List.”
  - g. Remove LOE 238597 for polychlorinated biphenyls. The listing decision should change from “List on 303(d) List” to “Do not List on 303(d) List.”
  - h. Remove LOE 238383 for chlordane. The listing decision should change from “List on 303(d) List” to “Do not List on 303(d) List.”
  - i. Remove LOE 238368 and Decision 132666 for hexachlorobenzene/HCB.
  - j. Remove LOE 238535 and Decision 132670 for mirex.
  - k. Remove LOE 238570 and Decision 149194 for polycyclic aromatic hydrocarbons (PAHs).
15. Malathion data from Newport Bay, Upper (Ecological Reserve) were originally excluded due to unresolved data quality issues. The County of Orange corrected the data quality issues for some malathion data, which provided the necessary information to revise the listing recommendation for Newport Bay, Upper (Ecological Reserve) from “Do not Delist” to “Delist” (Decision 154746). It is likely that other data in the Santa Ana Region submitted by the County of Orange were not used because of challenges with identifying the method by which samples were collected, the lack of station location information, or the lack of sample date information. Staff is committed to working with the County of Orange to resolve these outstanding data quality issues in future listing cycles.
16. The 2024 Integrated Report places San Jacinto River Reach 1 for aluminum for Decision 133722 in Category 5 (“List”). However, the responses to comments explains that the decision would be changed from Category 5 to Category 2 as, in accordance with Section 6.1.5.3 of the Listing Policy, the February 20, 2017 total aluminum sample should be excluded from use as a primary data set supporting the listing decision because the sample was collected after a significant storm event. There is only one other sample (LOE 307254) that exceeds the aluminum criterion for total aluminum and one exceedance is not sufficient to support a listing decision. However, the decision was not updated. Therefore, Decision 133722 for aluminum should be revised from Category 5 to Category 2.
17. Consistent with the Listing Policy, the 2024 303(d) List includes recommendations to list several segments of the Pacific Ocean as impaired by pathogenic indicator bacteria due to exceedances of the shellfish harvesting water quality objective, which is expressed in total coliform density. As part of the 2019 Ocean Plan Review, the State Water Board identified, as a high priority, a future planning project to consider revising the shellfish harvesting beneficial use to distinguish between recreation, commercial, or

tribal types of harvesting; and to consider revising the shellfish harvesting water quality objective in the Water Quality Control Plan for Ocean Waters of California. Should the beneficial uses or the water quality objective be revised in the future, previously assessed data will be reassessed with the new water quality objective in a subsequent listing cycle. The State Water Board expects that any Pacific Ocean waterbody segment listed as impaired by indicator bacteria for the protection of shellfish harvesting would not be scheduled for TMDL development until after the State Water Board completes the planning project. In addition, the State Water Board encourages the Regional Water Boards to use their discretion where appropriate in establishing permitting, monitoring, and other data collection requirements.

18. The State Water Board is committed to improving outreach and processes applied to the California Integrated Report. Staff is actively taking steps to improve and strengthen external engagement and information transparency to incorporate the State Water Board's racial equity priorities for improved and equitable access to resources from the draft Racial Equity Plan, which was developed in response to a resolution titled, "Condemning Racism, Xenophobia, Bigotry, and Racial Injustice, and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism" (State Water Board [Resolution No. 2021-0050](#)).
19. The State Water Board is committed to improving processes applied to the Integrated Report. This includes modernization of data analysis tools that will streamline integrated report processes and increase transparency.
20. The State Water Board's approval of the 2024 303(d) List is not a "project" subject to the California Environmental Quality Act because it has no potential to result in a "direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Res. Code, § 21065.) The 2024 303(d) List satisfies reporting requirements of the Clean Water Act and provides information for setting priorities for future actions.
21. Upon adoption of the 303(d) list, the 2024 California Integrated Report will be submitted to U.S. EPA, which may make changes to the 303(d) list. The 303(d) list is only effective on U.S. EPA's final approval.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the 303(d) list portion of the 2024 California Integrated Report. Before submitting the 2024 California Integrated Report to the U.S. EPA:
  - a. Staff is directed to revise the Staff Report and responses to comments to correct statements that state or imply that all data used in primary lines of evidence for attainment decisions for the 2024 303(d) List are

- supported by a QAPP unless from a major monitoring program explicitly identified in section 6.1.4 of the Listing Policy.
- b. Staff is directed to remove data and retire eleven LOEs, as described in recital number 14, used to assess waterbodies for the COMM beneficial use in Santa Ana Delhi Channel and make the conforming changes to the staff report, associated appendices, and responses to comments.
  - c. Staff is directed to revise the waterbody-pollutant for Newport Bay, Upper (Ecological Reserve) to include the corrected malathion data as a new LOE and revise the listing recommendation from “Do not Delist” to “Delist” for Decision 154746, and make conforming changes to the Staff Report, associated appendices, and the responses to comments.
2. Authorizes the Executive Director or designee to transmit the 2024 California Integrated Report and other supporting information to the U.S. EPA.
  3. Staff is directed to verify that any data supporting a new attainment decision in the 2024 303(d) List is supported by an acceptable QAPP, update waterbody fact sheets, and post the results of the verification, as described in recital number 12.
  4. Staff is directed to work with the County of Orange, County of Los Angeles, Stakeholders Implementing TMDLs in the Calleguas Creek Watershed, and City of Ventura to resolve remaining data quality issues so that other data may be considered in a future integrated report as a high priority off-cycle assessment.

### CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 6, 2024.

AYE: Chair E. Joaquin Esquivel  
 Vice Chair Dorene D’Adamo  
 Board Member Sean Maguire  
 Board Member Laurel Firestone  
 Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None

  
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 Courtney Tyler  
 Clerk to the Board